

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TAYAN JACKSON,

Petitioner,

v.

WARDEN OF THE FEDERAL

DETENTION CENTER AT SEATAC,

Respondent.

Case No. 2:24-cv-00547-TMC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Judge Grady J. Leupold, United States Magistrate Judge, Petitioner Tayan Jackson's objections to the Report and Recommendation, and the remaining record, does hereby find and ORDER:

1. The Court adopts the Report and Recommendation.

a. The Court has conducted de novo review of the Report and Recommendation based on Petitioner Jackson's objections. Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

b. Mr. Jackson objects that the Report and Recommendation was premature because he did not receive a copy of Respondent's Return (Dkt. 23) or Opposition to the Motion for Evidentiary Hearing (Dkt. 26) before the Report

1 and Recommendation was issued. Dkt. 34. But in response to Mr. Jackson's  
2 letter informing the Court that he did not receive those documents, Judge  
3 Leupold directed the clerk to send him new copies and granted him additional  
4 time to file objections to the Report and Recommendation. Dkt. 31.

5 Mr. Jackson then filed replies to both documents he initially did not receive  
6 (Dkt. 32, 33) which the Court will construe liberally as additional objections  
7 to the Report and Recommendation.

8 c. In those filings, Mr. Jackson objects that he could not exhaust his  
9 administrative remedies because of his transfer between facilities. Dkt. 32 at  
10 3; Dkt. 33 at 2. But Mr. Jackson does not address Judge Leupold's  
11 recommendation that, because he is challenging the conditions of his  
12 confinement, rather than the fact or duration of his imprisonment, his claim  
13 may not proceed through a habeas corpus petition and instead must be filed as  
14 a civil rights action. The Court agrees with Judge Leupold's analysis.


15 2. Respondent's Motion to Dismiss or Transfer for lack of jurisdiction is denied.

16 3. Petitioner's Motion for an Evidentiary Hearing is also denied.

17 4. Petitioner's federal habeas Petition is dismissed without prejudice as not cognizable  
18 in habeas.

19 5. The Clerk is directed to send copies of this Order to Petitioner, to counsel for  
20 Respondent, and to the Hon. Grady J. Leupold.

21 Dated this 7th day of November, 2024.

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23 \_\_\_\_\_  
24 Tiffany M. Cartwright  
United States District Judge